

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: JASON GILMORE AND BRADLEY ROSE

Application No. 09/881,533

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

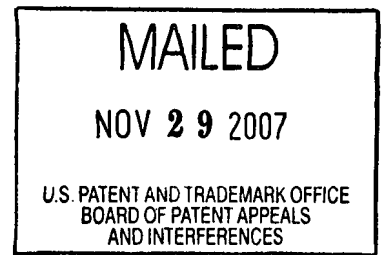
This application was received at the Board of Patent Appeals and Interferences on November 26, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

EXAMINER'S ANSWER

Evidence Relied Upon

The Evidence Relied Upon section of the Examiner's Answer mailed July 18, 2007, is defective. The Grounds of Rejection section (pg. 5) includes the following references as supporting evidence as must be included in the Evidence Relied Upon section of the Examiner's Answer, Midgely (U.S. 5,592,611), Kriegsman (U.S. 6,370,580), Burns (U.S. 6,298,373), Stiles (U.S. 6,219,692), Zdepski (U.S. 5,825,884), How Networks Work and How the Internet Works.

In accordance with MPEP § 1207.02, the "Evidence Relied Upon" should include:



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A listing of the **>evidence<** relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

Correction is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) issue and mail a PTOL-90 that corrects the Examiner's Answer (Evidence Relied Upon section);
- 2) have a copy of the "paper" scanned into IFW; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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PJN/tsj

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